

## EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

## UNANIMOUS CONSENT AGREEMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the nomination of Tommy P. Beaudeau, to be Deputy Secretary of the Interior, occur following the disposition of the Griggsby nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, for the information of all Senators, this means that there will be three rollcall votes beginning at 3:15 p.m. this afternoon.

## NOMINATION OF LYDIA KAY GRIGGSBY

Mr. President, today I rise to speak on the nomination of U.S. Court of Federal Claims Judge Lydia Griggsby to be U.S. district judge for the District of Maryland. We just invoked cloture, and we will be voting on that nomination this afternoon.

Judge Griggsby was favorably reported by a bipartisan vote of the Committee on the Judiciary on June 10. I had recommended Judge Griggsby, along with Senator VAN HOLLEN, to President Biden, and I strongly support this nomination.

Judge Griggsby has been nominated to fill the current vacancy created when Judge Catherine Blake, appointed by President Clinton in 1995, announced her intention to take senior status on April 2. President Biden nominated Judge Griggsby to this position on March 30, and the Judiciary Committee held her confirmation hearing on May 12.

Shortly after the November 2020 elections, I worked with Senator VAN HOLLEN to establish a judicial selection committee in Maryland. We used an open application process with a public advertisement and communicated and worked closely with the State, local, and specialty bar associations in Maryland.

In particular, we sought out a highly qualified and diverse application pool. Our committee interviewed everyone who submitted an application, which involved several dozen interviews. Senator VAN HOLLEN and I then personally interviewed several finalists before recommending names to the White House.

The White House Counsel asked Senators to propose talented individuals who would bring to these critically important roles a wide range of life and professional experiences, including those based on their race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, veteran status, and disability.

I would call my colleagues' attention to a recent Washington Post article en-

titled "President Biden Has Nominated as Many Minority Women to Be Judges in Four Months as Trump Had Confirmed in Four Years." Having judges with a broad range of backgrounds, experiences, and perspectives makes our Federal bench more diverse and better representative of the communities they serve, which builds greater public trust in the judiciary.

Instead of giving a formal introduction to my colleagues of Judge Griggsby today, we should really say "welcome home" to Judge Griggsby. When I first was elected to the Senate, I served on the Judiciary Committee, and my staff and I were pleased to work with then-Chief Counsel Griggsby.

She was born in Baltimore and went to high school in Baltimore.

At that time, Judge Griggsby served, when she was here, with Chairman PATRICK LEAHY's Judiciary Committee staff as his expert on privacy and information policy.

Judge Griggsby went on to serve for 7 years as a judge on the U.S. Court of Federal Claims, which has national jurisdiction to hear complex monetary damages claims against the Federal Government. Judge Griggsby was confirmed to her current position by a voice vote of the Senate in 2014.

Judge Griggsby is a lifelong Marylander who was born in Baltimore, a graduate of the Park School, and she has been a mentor at the Baltimore Leadership School for Young Women. She received her B.A. from the University of Pennsylvania and her J.D. from Georgetown Law School. She was an associate at DLA Piper before beginning her government service as a trial attorney in the Civil Division at the U.S. Department of Justice.

She then became an assistant U.S. attorney in the District of Columbia. Judge Griggsby later transitioned to Capitol Hill, serving as a counsel on the Senate Select Committee on Ethics before beginning her work with Senator LEAHY on the Judiciary Committee. I am so pleased that Judge Griggsby brings such a wide array of professional experience from the first two branches of government as she prepares to assume a new role in our third branch of government.

In particular, I would note that as an assistant U.S. attorney, she helped secure a \$20 million settlement against Toyota for selling vehicles that violated the Clean Air Act. She also held two of Washington, DC's largest property managers accountable for failing to disclose lead-based paint hazards in the buildings.

If confirmed by the Senate, I would note that Judge Griggsby would be the first Black woman and first woman of color to serve as a Federal judge on our bench in Maryland in our State's history, and it is about time. The American Bar Association's Standing Committee on the Federal Judiciary gave Judge Griggsby its highest rating—unanimously "well qualified"—after

evaluating her integrity, professional experience, and judicial temperament.

I was delighted to recommend the nomination of Judge Griggsby to President Biden, along with Senator VAN HOLLEN.

Judicial nominees must meet the highest standards of integrity, competency, and temperament. Judge Griggsby will safeguard the rights of all, uphold the Constitution and rule of law, and faithfully follow the judicial oath to do equal right to the poor and to the rich.

So I urge my colleagues to vote to confirm Judge Griggsby, who I believe will be an outstanding member of the Federal bench. She is already a sitting Federal judge on the U.S. Court of Federal Claims, and I look forward to her continued public service, serving all the people of our Nation as a Federal district judge.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## JUNETEENTH

Ms. SMITH. Mr. President, I thank my colleague from Maryland. I rise today in gratitude because last night the Senate put us one step forward to finally making Juneteenth a Federal holiday.

Juneteenth is our Nation's oldest celebration of emancipation, and it should have been established as a Federal holiday long ago. So I am glad that yesterday the Senate passed our bill, with Senator MARKEY and Senator BOOKER, the Juneteenth National Independence Day Act, by unanimous consent.

The end of slavery in this country is a central milestone in our history, and Juneteenth should be commemorated nationwide as a day of celebration and reflection and rededication to the cause of racial justice in this country.

I am forever grateful to the generations of activists who made this possible, and, in particular, I want to thank Ms. Opal Lee, who at 89 years old walked halfway across this country to rise in support of Juneteenth as a Federal holiday.

Yesterday, I had the opportunity to call Ms. Lee, now in her nineties, after this bill cleared the Senate, and I wish you could have heard the sound of joy in her voice when I told her the good news. This is a memory that I know I am going to treasure for the rest of my life.

So to Ms. Lee, if you are listening here today, I want to tell you that I have been honored to support your moral cause here in the Senate, and I hope to celebrate Juneteenth as an official Federal holiday with you soon.

I also want to thank my colleagues, especially Senator MARKEY and Senators BOOKER and WARNOCK, for their

leadership on these efforts, as well as Senator CORNYN and Representative SHEILA JACKSON LEE, for their work to get this over the finish line. When it passed last night, we had over 60 bipartisan cosponsors, and I am grateful to all of them and all of you for your support.

So commemorating Juneteenth as a Federal holiday is an encouraging and meaningful step, but we have so much farther to go on the path toward justice. Let's use this victory to build momentum for the systemic change that we need—protecting voting rights and safeguarding our democracy, passing meaningful policing and criminal justice reform, pursuing economic and environmental justice, and working toward a more just and equitable world.

There will be plenty of times when this path seems impossibly long because the scale of the injustice is overwhelming. But when this happens, I will be thinking of Ms. Opal Lee, of her long walk to Washington, DC, and the joy in her voice when she heard the news that the Senate had taken one more step toward her dream of Juneteenth. May we all draw inspiration and strength from her example.

I am proud to walk this path with you, Ms. Lee, and with all of you. Let's keep this going.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### NOMINATION OF RADHIKA FOX

Mrs. CAPITO. Mr. President, I rise today to oppose the nomination of Radhika Fox to be Assistant Administrator for Water at the EPA. I certainly appreciate her willingness to serve, and I have found her to be quite personable and friendly. So this is not a personal statement.

But even though she is not yet confirmed, she is already in place as the lead political appointee in the Water Office of the EPA. In that capacity, her recent announcement of overreaching regulatory proposals under the Clean Water Act cemented my opposition to her nomination.

Ms. Fox's position on the appropriate scope of the Clean Water Act was not clear last month when I voted on her nomination in the EPA committee, of which I am the ranking member. At that markup in May, I noted that I could not support Ms. Fox at that time because she would not commit to maintaining the navigable waters protection rule issued in 2020. As I noted at the time, she would also not state that the 2015 waters of the United States rule was overreaching. So I really couldn't pin her down on any opinion on this very important rule.

I now know why she would not commit to maintaining the navigable waters protection rule when she testified before the committee and avoided providing direct responses in her written responses to my followup questions. The administration did not support the rule and, apparently, the EPA opposed it completely.

Last week, Ms. Fox and EPA Administrator Regan, as well as the U.S. Army Corps of Engineers, announced their plans to repeal and replace the rule in its entirety. EPA and the Corps of Engineers are going to completely rewrite the regulations that determine whether a business, a farm, or a citizen needs to obtain a Federal water permit. The Federal Agencies announced that they had decided they are not going to keep any part of that rule and that they are going to start from scratch.

That was at odds with what Ms. Fox conveyed to me in a phone call that she did make the previous day to inform me they were going to be making an announcement. She was just very incomplete, and it was extremely disappointing to me and to the many States and businesses that support the navigable waters protection rule, which—unlike the 2015 waters of the United States rule it replaced—is the law presently. The navigable waters protection rule is the law of the land in all 50 States. That made it clear when Federal permits would be needed, and it gave States more control over how to permit water bodies in their borders.

Throughout her nomination process, when I asked Ms. Fox about the administration's plans, she expressed a desire to hear from stakeholders in order to create a "durable" rule. Ms. Fox did not conduct any formal public stakeholder process before announcing the decision that was made to repeal the navigable waters protection rule.

The administration has said it plans to repeal the rule and then put in place guidance from the 1980s while we wait and while they come up with a replacement. Changing the regulations three times in a short period of time—2015, 2020, and now 2021—simply does not meet her commitment to develop a "durable" definition.

Instead, ever-changing rules create a game of regulatory ping-pong across administrations. These are big far-reaching rules. That permitting uncertainty hurts our economy at a time when we need growth, and it does so without additional environmental protection in my home State.

We often forget that the Clean Water Act allows States to regulate their waters as much as they like. The definition of "waters of the United States" only determines Federal jurisdiction. In fact, that is the keystone of the Clean Water Act.

The administration's promises of transparency and creating regulatory certainty simply are not reflected in these actions, and their goals, stated to a briefing of congressional offices during a briefing call, are particularly troubling. They pointed to the prior converted cropland exemption and treatment of ditches under the current rule as "implementation challenges" that they want to address.

It doesn't take much to understand what that means. The administration intends to require more Federal permits for prior converted cropland and

ditches on private land. That is a gross overreach of the Federal Government's authority under the Clean Water Act, and it is questionable whether the EPA and the Army Corps of Engineers could even vet the sheer volume of permit applications that would come their way.

I encourage Ms. Fox to engage with stakeholders from agriculture to mining, to construction, to home building before issuing the official proposal to repeal the navigable waters protection rule, and I urge Ms. Fox to make that engagement meaningful. Simply checking the box that these stakeholders have had the opportunity to talk to members of the administration is not meaningful engagement.

If officials of the administration truly engaged in a transparent process where they took stakeholder feedback into account, they would learn that the best way to provide regulatory certainty is to keep that navigable waters protection rule in place. I cannot support Ms. Fox's decision to undo such a foundational rule without any public engagement and to do so in a way that appears to be more expansive than the overreaching Obama rule called the "waters of the United States rule."

So I urge my colleagues to vote against Ms. Fox's nomination on the basis of what she has already done and in most probability will do in the future surrounding this very, very important topic.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

#### NUCLEAR ENERGY

Mr. KENNEDY. Mr. President, I want to talk for a few minutes about nuclear energy. President Biden, of course, as we both are aware, has called climate change the "existential threat." He says it is the "number one issue facing humanity today." Secretary Kerry, who, as we know, is President Biden's climate envoy, has said that climate change is a "life and death" issue. President Biden's National Climate Advisor, the Honorable Gina McCarthy, believes that saving the environment is the "fight of our lifetimes."

If you ask many Members of Congress, not all of them—I don't want to paint with too broad a brush—but if you ask many Members of Congress what they think the solution to our environmental issues is, they will probably respond: renewable energy. But if we are really worried about the climate—and I know we all are; we all want clean air, and we all want bright water—I suggest that we also embrace nuclear energy. Nuclear energy is not only safe, but it is clean and, frankly, it can produce more power than renewables.

Nuclear energy, as you know, creates little or no carbon emissions. Let me say that again. A lot of people don't realize it. Nuclear energy creates little or no carbon emissions. It also creates very little waste—an extraordinarily small amount of waste. All the nuclear waste that America's commercial nuclear industry has ever produced—ever,